

**CHANGES TO MUNICIPAL ANNEXATION  
PROVISIONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: LaWanna Lou Shurtliff**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to municipal annexations.

**Highlighted Provisions:**

This bill:

- ▶ extends to property owners in an area adjacent to an area proposed for annexation in a second class county the ability to protest the proposed annexation;
- ▶ extends to township planning commissions in second class counties the ability to recommend that the county legislative body protest a proposed municipal annexation; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-2-407**, as last amended by Laws of Utah 2003, Chapter 211

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*Be it enacted by the Legislature of the state of Utah:*



Section 1. Section **10-2-407** is amended to read:

**10-2-407. Protest to annexation petition -- Township planning commission recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

(1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

(i) the legislative body or governing board of an affected entity; or

(ii) for a proposed annexation of an area within a county of the first or second class, the owners of private real property that:

(A) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;

(B) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and

(C) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.

(b) (i) A planning commission of a township located in a county of the first or second class may recommend to the legislative body of the county in which the township is located that the county legislative body file a protest against a proposed annexation under this part of an area located within the township.

(ii) (A) The township planning commission shall communicate each recommendation under Subsection (1)(b)(i) in writing to the county legislative body within 30 days of the city recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)(c)(i).

(B) At the time the recommendation is communicated to the county legislative body under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy of the recommendation to the legislative body of the proposed annexing municipality and to the contact sponsor.

(2) (a) Each protest under Subsection (1)(a) shall:

(i) be filed:

(A) no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i); and

(B) (I) in a county that has already created a commission under Section 10-2-409, with the commission; or

(II) in a county that has not yet created a commission under Section 10-2-409, with the clerk of the county in which the area proposed for annexation is located; and

(ii) state each reason for the protest of the annexation petition and, if the area proposed to be annexed is located in a specified county, justification for the protest under the standards established in this chapter;

(iii) if the area proposed to be annexed is located in a specified county, contain other information that the commission by rule requires or that the party filing the protest considers pertinent; and

(iv) the name and address of a contact person who is to receive notices sent by the commission with respect to the protest proceedings.

(b) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

(c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall immediately notify the county legislative body of the protest and shall deliver the protest to the boundary commission within five days of its creation under Subsection 10-2-409(1)(b).

(d) Each protest of a proposed annexation of an area located in a county of the first or second class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and (b):

(i) indicate the typed or printed name and current residence address of each owner signing the protest; and

(ii) designate one of the signers of the protest as the contact person and state the mailing address of the contact person.

(3) (a) (i) If a protest is filed under this section:

(A) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i)(A) [~~and, for a proposed annexation of an area located in a county of the first class~~], deny the annexation petition, except as provided in Subsection (3)(a)(iii) [~~deny the annexation petition~~]; or

(B) if the municipal legislative body does not deny the annexation petition under Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the annexation petition until after receipt of the commission's notice of its decision on the protest under Section 10-2-416.

(ii) If a municipal legislative body denies an annexation petition under Subsection (3)(a)(i)(A), the municipal legislative body shall, within five days of the denial, send notice of the denial in writing to:

(A) the contact sponsor of the annexation petition;

(B) the commission;

(C) each entity that filed a protest; and

(D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an area located in a county of the first class, the contact person.

(iii) A municipal legislative body may not deny an annexation petition proposing to annex an area located in a county of the first class if:

(A) the petition contains the signatures of the owners of private real property that:

(I) is located within the area proposed for annexation;

(II) covers a majority of the private land area within the area proposed for annexation;

and

(III) is equal in value to at least 1/2 of the value of all private real property within the area proposed for annexation;

(B) the population in the area proposed for annexation does not exceed 10% of the population of the proposed annexing municipality;

(C) the property tax rate for municipal services in the area proposed to be annexed is higher than the property tax rate of the proposed annexing municipality; and

(D) all annexations by the proposed annexing municipality during the year that the petition was filed have not increased the municipality's population by more than 20%.

(b) (i) If no timely protest is filed under this section, the municipal legislative body may, subject to Subsection (3)(b)(ii), grant the petition and, by ordinance, annex the area that is the subject of the annexation petition.

(ii) Before granting an annexation petition under Subsection (3)(b)(i), the municipal legislative body shall:

(A) hold a public hearing; and

(B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

(I) publish notice of the hearing in a newspaper of general circulation within the municipality and the area proposed for annexation; or

121           (II) if there is no newspaper of general circulation in those areas, post written notices of  
122 the hearing in conspicuous places within those areas that are most likely to give notice to  
123 residents within those areas.

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**Legislative Review Note**  
**as of 11-29-07 12:43 PM**

**Office of Legislative Research and General Counsel**

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**H.B. 124 - Changes to Municipal Annexation Provisions**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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